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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,678	02/07/2002	Steven B. Winter	72967	4034
22242	7590	04/12/2005		EXAMINER
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			GOFF II, JOHN L	
			ART UNIT	PAPER NUMBER
			1733	

DATE MAILED: 04/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/071,678	WINTER ET AL.
	Examiner	Art Unit
	John L. Goff	1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 January 2005.  
 2a) This action is **FINAL**.                            2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-7 and 18-26 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-7 and 18-26 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 31 May 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

1. This action is in response to the amendment filed on 1/3/05.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 102***

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Andre et al. (FR 2717165 and see also the English abstract and English translation).

Andre et al. disclose an apparatus for adhering painted strips on sheets at predetermined locations. Andre et al. teach the apparatus has a first upstream sheet supply station including a sheet stack, a plurality of gripping mechanisms (each gripping mechanism comprising an upper jaw having a gripping arm extending therefrom pivotally hinged by a pivot pin to a lower jaw having a protruding gripping tab and a biasing mechanism for urging the jaw members to the closed state and the overall gripping mechanism having a low profile so as to fit below subsequent stations) located on an endless chain conveyor, a cam mechanism, a drive system, and a conveyor plate, it being noted the term “cam” as defined by dictionary.com is “a projecting part of a wheel or other moving piece so shaped as to give alternate or variable motion to another piece against which it acts” such that the actuated mechanism (10a of Figure 2) taught by Andre et al. is a cam mechanism. The sheet supply station is capable of actuating a cam mechanism to open the gripping mechanisms in response to movement of the gripping mechanisms past the cam mechanism by movement of the drive system for the conveyor with the open gripping

mechanisms facing upstream toward the drive system for the sheet feeder followed by using the drive system, e.g. pneumatic device, of the sheet feeder to remove a sheet from the sheet stack and supplying the leading edge of the sheet to the open gripping mechanisms, and then removing the cam mechanism such that the biasing mechanism of the gripping mechanisms urges the gripping mechanisms into a closed state (the (single set of) gripping mechanisms then capable of advancing the sheet through subsequent stations without interfering with the stations and maintaining the leading edge of the sheet in a generally constant orientation). Andre et al. teach downstream to the sheet supply station is an adhesive applying station (capable of depositing adhesive at predetermined locations on the sheet). Andre et al. teach downstream to the adhesive applying station is a painted strip, i.e. swatch, applying station (capable of placing painted strips on the adhesive). Andre et al. teach downstream to the painted strip applying station is a sheet discharge station (i.e. receiving station) including a cam mechanism (the cam mechanism capable of opening the gripping mechanism to release the sheet) (Figures 1 and 2 and the English abstract and English translation page 1, lines 1-3 and page 2, lines 26-36 and page 3, lines 1-19).

***Claim Rejections - 35 USC § 103***

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. in view of any one of Burger (U.S. Patent 4,799,664), Muller (U.S. Patent 5,169,285), or Eberle et al. (U.S. Patent 5,007,629).

Andre et al. is described above in full detail, it being noted claims 1-5 and 7 are additionally rejected over Andre et al. in view of any one of Burger, Muller, or Eberle et al. for reasons including the event that the separate (pneumatically) actuated mechanism taught by Andre et al. is not a “cam mechanism” although the definition of “cam” is noted above. Andre et al. are silent as to a teaching of using a cam mechanism integral with the gear of the chain. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as an alterative to the integral gripper and chain separate cam system taught by Andre et al. a conventional single integral gripper, chain, cam system known in the sheet feeding art as this type of system was a known simpler, i.e. more reliable due to less moving parts, functional equivalent as shown for example by any one of Burger, Muller, or Eberle et al.

Each of Burger, Muller, and Eberle et al. disclose an apparatus for feeding sheets comprising gripper mechanisms (formed of an upper jaw pivotally hinged by a pivot pin to a lower jaw and a biasing mechanism (e.g. spring) for urging the jaw members to the closed state) located on an endless chain conveyor wherein the gripper mechanisms are placed in the open state by contacting a cam located on the gears of the endless chain conveyor, it being noted Burger specifically teaches this integral cam is an alternative to a functionally equivalent separate cam (Figure 1 and Column 1, lines 57-68 and Column 2, lines 46-68 and Column 3,

lines 1-26 of Burger and Figure 1 and Column 5, lines 28-68 of Muller and Figure 1 and Column 7, lines 19-22, 49-54, 58-60, and 63-66 of Eberle et al.).

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. as applied in paragraph 3 above or Andre et al. in view of any one of Burger, Muller, or Eberle et al. as applied in paragraph 5 above, and further in view of the admitted prior art (Specification pages 1-5).

Andre et al. (and Andre et al. as modified by any one of Burger, Muller, or Eberle et al.) as applied above teach all of the limitations in claim 6 except for a specific teaching of using lateral guides at the upstream end of the apparatus. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include at the upstream end of the apparatus taught by Andre et al. (or Andre et al. as modified by any one of Burger, Muller, or Eberle et al.) (adjustable) lateral guides, e.g. on the non-gripping side, to more accurately position the sheet on the conveyor plate and within the gripper mechanisms as it was well known and conventional in the same art to do so as shown for example by the admitted prior art.

The admitted prior art (including U.S. Patent 4,061,521 cited in the admitted prior art) discloses it was known to use lateral sheet positioning guides for sheet positioning in an apparatus of the type taught by Andre et al. (Specification pages 1-5).

7. Claims 18-23, 25, and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. as applied in paragraph 3 above or Andre et al. in view of any one of Burger, Muller, or Eberle et al. as applied in paragraph 5 above, and further in view of Lerner et al. (U.S. Patent 4,061,521).

Andre et al. (and Andre et al. as modified by any one of Burger, Muller, or Eberle et al.) as applied above teach all of the limitations in claims 18-23, 25, and 26 except for a specific teaching of applying the painted strips from a single cylinder painted strip applying station as opposed to a plurality of individual painted strip applying stations. However, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use as an alterative to the plurality of individual painted strip applying stations taught by Andre et al. (or Andre et al. as modified by any one of Burger, Muller, or Eberle et al.) a conventional single cylinder painted strip applying station known in the painted strip, i.e. swatch, feeding art as this type of system was a known faster and less expensive functional equivalent as shown for example by Lerner et al.

Lerner et al. disclose a single cylinder painted strip applying station for applying painted strips to sheets conveyed below the cylinder and perpendicular to the axis of rotation of the cylinder, the single cylinder painted strip applying station provides the same function as a plurality of single painted strip applying stations but is faster and less expensive than the single painted strip applying stations (Figures 1 and 8 and Column 1, lines 23-68 and Column 2, lines 1-3 and Column 3, lines 39-43 and 58-63 and Column 4, lines 18-24 and Column 8, lines 9-14).

Regarding claim 26, Andre et al. as modified by any one of Burger, Muller, or Eberle et al. would result in gripping the sheets along their longitudinal edge (as opposed to their lateral

edge) such that one of ordinary skill in the art would have readily appreciated the resulting apparatus would include gripping mechanisms located between two conveyor support plates as opposed to the arrangement shown in Andre et al. with the gripping mechanisms located along the lateral edge of a single conveyor support plate.

8. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andre et al. and Lerner et al. as applied in paragraph 7 above or Andre et al. in view of any one of Burger, Muller, or Eberle et al. and Lerner et al. as applied in paragraph 7 above, and further in view of either one of Burger or Eberle et al.

Andre et al. and Lerner et al. (and Andre et al. as modified by any one of Burger, Muller, or Eberle et al. and Lerner et al.) as applied above teach all of the limitations in claim 24 except for a teaching of using a spring biasing mechanism, it being noted Andre et al. is not limited to any particular biasing mechanism. It would have been obvious to one of ordinary skill in the art at the time the invention was made to use as the biasing mechanism taught by Andre et al. as modified by Lerner et al. (or Andre et al. as modified by any one of Burger, Muller, or Eberle et al. and Lerner et al.) any well known and conventional gripping member biasing mechanism known in the art such as a spring as shown for example by either one of Burger or Eberle et al. as only the expected results would be achieved. Burger and Eberle et al. are described in full detail above.

#### *Response to Arguments*

9. Applicant's arguments with respect to claims 1-7 and 18-26 have been considered but are moot in view of the new ground(s) of rejection. It is noted claims 9-17 and 27-32 listed as

withdrawn in the listing of claims submitted 1/3/05 were cancelled in the response to the restriction requirement filed 4/19/04. Applicants argue, “In contrast, each of the claimed apparatus recite mechanisms or members for pulling their sheets by a leading edge of the sheets.”. This limitation merely requires the apparatus have the capability of gripping the “leading edge” of a sheet, it being noted any edge of the sheet being fed would constitute the leading edge. Further, apparatus claims are not limited by the material worked upon (See MPEP 2115). In any event, the apparatus taught by Andre et al. grips the front/leading edge of the sheet as fed from the sheet supply station such that the limitation is clearly met (See Figure 1). Applicants further argue, “Because the clamps of Andre grasp the lateral side edges of the sheet, there is no concern about the size of the clamps, and certainly no concern about the clamps being capable of directing the sheets through various stations, as recited in claims 1-7 and 18-26.”. The clamps of Andre et al. clearly move the sheet through various stations (See Figure 1). Regarding applicants arguments to Burger, Muller, and Eberle et al., it is noted these references are only applied as evidence of it being obvious to modify the apparatus taught by Andre et al. to include a conventional single integral gripper, chain, cam system as an alterative to the integral gripper and chain separate cam system taught by Andre et al. wherein the modification would result in the gripper mechanisms taught by Andre et al. operating in a direction perpendicular to the direction depicted in the Figures.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **John L. Goff** whose telephone number is **(571) 272-1216**. The examiner can normally be reached on M-F (7:15 AM - 3:45 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on (571) 272-1156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1733

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
John L. Goff

  
JEFF H. AFTERGUT  
PRIMARY EXAMINER  
GROUP 1300